

 ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DOMINION CITRUS, LTD.
Ontario Food Terminal
165 The Queensway Room 304
Etobicoke Ontario M8Y 1H8

and

FRESH FRUIT S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

and

AGRI SOUSS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

and

EL BOURA
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

and

GPA
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

and

LIMONA SOUSS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

and

PRIAGRUS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

Plaintiffs

: CIVIL ACTION

07 - 50

v.
M/V BADRINATH. her engines,
machinery, tackle, apparel, etc
and
AMER SHIPPING LTD.
602, Ghinis Building
58-60 Dhigenis Akritas Avenue
PO Box 27363, Nicosia 1644
Cyprus
and
ASHWATER NAVIGATION CO. Ltd.
602, Ghinis Building
58-60 Dhigenis Akritas Avenue
PO Box 27363, Nicosia 1644
Cyprus
and
SEATRADE REEFER CHARTERING N.V.
Atlantic House (4th fl.)
Noorderlaan 147, PO Box 10.012
2030 Antwerp 3, Belgium
and
SEATRADE GROUP, INC.
Atlantic House (4th fl.)
Noorderlaan 147, PO Box 10.012
2030 Antwerp 3, Belgium
and
SEATRADE USA
442 W. Kennedy Blvd., S. 290
Tampa, FL 33606 USA
Defendants.

: NO. 07-cv- 50

**UNSWORN DECLARATION IN SUPPORT OF ORDER DIRECTING THE CLERK TO
ISSUE WARRANT OF ARREST AND/OR WRIT OF MARITIME ATTACHMENT
AND APPOINTING SUBSTITUTE CUSTODIAN**

STEPHEN J. GALATI, ESQUIRE, states: I am over the age of 21, have never been
convicted of a crime and am competent to give this unsworn declaration under penalty of perjury.
All facts stated herein are true and correct and are within my personal knowledge, except as to
matters therein stated upon information and belief, and as to these matters, I believe them to be
true; the sources of my information and the grounds of my belief are documents in the possession

of my firm and reports made to me by officers, employees, representatives and agents of Plaintiffs.

I am a member of the law firm of Mattioni, Ltd. attorneys for Plaintiffs in the above-captioned action and in such capacity I am authorized to make this Declaration for Plaintiffs in support of an Order directing the clerk to issue a Warrant of Arrest and/or Writ of Attachment, and appointing a substitute custodian of the Defendant vessel (hereinafter "vessel").

This is an action *in rem* and/or *in personam* to recover for damages as more fully appears in the Verified Complaint. In connection therewith, it is prayed that a Warrant of Arrest and/or Writ of Attachment issue against the defendant vessel and it is contemplated that this Honorable Court will forthwith Order the Clerk of Court to issue a Warrant of Arrest and/or Writ of Attachment commanding the United States Marshal for this District to arrest and/or attach and retain in his custody the vessel.

The vessel is of foreign flag registry and is not engaged in regular liner service; said vessel does not regularly call the ports in the State of Delaware; nor, upon information and belief can her owners, operators and charterers be found within this District.

The vessel is en route to this district and/or is presently located within this district and it is believed that the vessel will not remain in this district for any significant period of time.

Plaintiffs have paid or will pay forthwith the sum of Two Thousand Dollars to the United States Marshal, which is normally required before the Marshal will effect a maritime arrest and/or attachment. The U.S. Marshal does not have the manpower and ability to economically maintain custody of the vessel and therefore, it is necessary to have a substitute custodian appointed to safe keep the vessel. Alpha Centurion Security, Inc. has agreed to assume the

responsibility for the safekeeping of the vessel and has consented to act as custodian while aid vessel is under arrest and/or attachment.

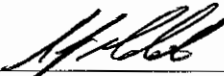
Plaintiffs agree to release the United States Marshal from any and all liability for responsibility for the care and custody of the vessel from the time he arrests and/or attaches it and takes it into his custody and hereby agrees to indemnify and hold him harmless from any and all claims whatsoever arising out of said arrest and/or attachment and custody.

WHEREFORE, your deponent respectfully requests this Honorable Court to Order the Clerk of Court to issue a Warrant of Arrest and/or Writ of Attachment for the vessel in accordance with the maritime practice. Also, it is respectfully prayed that Alpha Centurion Security, Inc. be appointed substitute custodian and that upon seizure of the vessel by the United States Marshal he surrender the custody of same to Alpha Centurion Security, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2007

BY:



Stephen J. Galati